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W.P. No.28014 of 2022
& W.M.P.No.27309 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.28014 of 2022
& W.M.P.No.27309 of 2022

1 A.Bharathi ... Petitioner

VS.

1 The Commissioner of school Education,
DPI campus Chennai - 600 006.

2 The Commissioner
Corporation of Chennai Ripon Building
Chennai- 600 003.

3 Teachers Recruitment Board
Rep by its Member Secretary, DPI Campus
Chennai 600 006.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to include the name of the Petitioner in the list of candidates published on 13.10.2022 called for counseling for the post of PG Assistant History as per the Select list published on 10.09.2022 for the post of PG Assistant History and accordingly select and appoint the petitioner to the post of PG Assistant (history) to any of the schools Administered by the Second Respondent corporation from the date when all the petitioner batchmates



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under the Notification of the Respondent Board No.1/2021 dated 09.09.2021 are selected and appointed with all service and monetary benefits.

For Petitioner	: Mrs.Dakshayani Reddy
For Respondent 1	: Mr.S.Yashwanth Additional Government Pleader
For Respondent 2	: Mr.S.Gopinath, Standing Counsel
For Respondent 3	: Mr.R.Neelakandan Additional Advocate General Assisted by Mr.C.Kathiravan Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to call the petitioner for counselling for the post of P.G.Assistant in History.

2. Heard Mrs.Dakshayani, learned counsel for the petitioner, Mr.S.Yashwanth, learned Additional Government Pleader appearing for the first respondent, Mr.S.Gopinath, learned standing counsel for the second respondent and Mr.R.Neelakandan, learned Additional Advocate General assisted by Mr.C.Kathiravan, learned Special Government Pleader appearing for the third respondent.



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3. According to the petitioner, pursuant to the Notification No.1/2021, dated 09.09.2021, she applied for the subject post and she was provisionally selected as per the selection list issued by the Teachers Recruitment Board dated 10.09.2022 as she was found to be eligible. According to the petitioner, despite the same, she has not been called for counselling as was done for other selected candidates under the provisional selection list stated supra. In such circumstances, she has filed this writ petition.

4. The learned Additional Advocate General appearing for the third respondent on instructions would submit that only due to the fact that this Court by its order dated 11.10.2022 passed in W.P.No.24888 of 2022 etc., batch filed by the writ petitioners, who were aggrieved by the final key answers declared by the respondent / Teachers Recruitment Board, wherein, a direction was issued to the respondent / Teachers Recruitment Board to reserve one post each of those writ petitioners in the respective subject category till the disposal of those writ petitions and as per the said direction, after keeping one post each for those writ petitioners, the Board has filled the remaining vacant posts, the respondent / Teachers Recruitment Board did not call the petitioner



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herein for counselling and did not issue any appointment orders as appointment orders if issued to this candidate under the provisional selection list, it will be contrary to the order dated 11.10.2022 passed by this Court in the batch of writ petitions referred to supra.

5. The Relevant paragraphs of the written instructions in W.P.No.27740 of 2022 batch received by the learned Additional Advocate General from the Teachers Recruitment Board, dated 17.10.2022, which is also applicable to this case are extracted hereunder:-

It is stated that the Board issued the appointment order for the provisionally selected candidates after reserving 56 posts for various subjects as per the above mentioned orders.

It is stated that the Board issued appointment order for the provisionally selected candidates for the subject Botany, Computer Science, Geography, History, Home Science, Physical Education, Political Science & Zoology on 13.10.2022. Further for the subjects Tamil, English, Mathematics, Physics, Commerce and Economics the Board issued the appointment order for the provisionally selected candidates on 14.10.2022.

It is stated that the recruitment for the PG assistants has attained finality by way of issuing the appointment orders. It is further stated



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that the vacancies for the above said recruitment is filled. Hence, the board cannot reserve any further vacancy in respect to any interim orders to keep one post vacant in future, since the vacancies are determined by the User Department. As per the request of the User Department, the board has filled the notified vacancies.

6. Admittedly, under the Notification No.01/2021, dated 09.09.2021, the User Department i.e., the Government has got the power to include new posts. Therefore, there is no prohibition for the respondents to call the petitioner herein for counselling and thereafter, if she has satisfied the requirements, issue appointment orders in her favour. The reason given by the respondents as seen from the instructions received by the learned Additional Advocate General as extracted supra is unjustified, in view of the fact that the petitioner has already been declared / selected provisionally as she has been found to be eligible. In case, the petitioners in the connected writ petitions are entitled to the relief sought for in those writ petitions, necessarily the respondent / Government will have to increase the number of vacancies and therefore, the interim direction given by this Court on 11.10.2022 in W.P.No.24888 of 2022 batch directing the respondents to reserve one



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post for each of those petitioners cannot be a bar for the respondents to call the petitioner herein for counselling and thereafter, issue appointment orders in her favour, if she has satisfied all the requirements during the counselling.

7. After giving due consideration to the aforementioned factors, this Court directs the Teachers Recruitment Board to call the petitioner herein for counselling, within a period of four weeks from the date of receipt of a copy of this order and thereafter, issue appointment orders in her favour, provided she has satisfied the requirements of the third respondent / Teachers Recruitment Board at the time of counselling.

8. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

27.10.2022

Index: Yes/No
Speaking Order/Non-Speaking Order

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ABDUL QUDDHOSE, J.

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27.10.2022